



JEFFREY D. FRIEDLANDER
Acting Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

RACHEL SELIGMAN WEISS
Senior Counsel
Telephone: (212) 356-2422
Facsimile: (212) 788-9776
rseligma@law.nyc.gov

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VIA ECF

Honorable Vera M. Scanlon
United States Magistrate Judge, EDNY
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Donald Franks v. City of New York, et al., CV 13-0623 (JBW)(VMS)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and one of the attorneys assigned to the defense of the above-referenced matter. On November 14, 2013, plaintiff moved before Your Honor for an order: (1) unsealing the grand jury minutes of all of the testimony of the officers *People of the State of New York v. Donald Franks*, Docket No. 2012KN090015 and *People of the State of New York v. Alfred Brown*, Docket No. 2012KN089998; and (2) compelling, pursuant to Fed. R.Civ. P. 45(c)(2)(B)(i), the non-party Kings County District Attorney's Office ("KCDA") to produce the minutes of the officers' testimony in *Franks*. Thereafter, on November 22, 2013, this office opposed plaintiff's request on behalf of the KCDA and Your Honor has not yet ruled on plaintiff's application.¹

Upon further consideration, the KCDA has agreed to release all of the Grand Jury testimony stemming from the October 31, 2012 "Key Foods arrests." Defendant will confer with plaintiff's counsel on a schedule for production of said minutes, although we remain mindful that the sealing implications of N.Y.C.P.L. § 160.50 and 160.55 still remain.

¹ Plaintiff Franks was one of the many individuals arrested on October 31, 2012 following a call from the manager of a Key Foods market in Coney Island that looters had unlawfully entered the premises and were stealing goods. Plaintiff and the others were charged with a host of crimes including, but not limited to, burglary and trespass.

Accordingly, plaintiff's November 14, 2013 motion is now moot. Thank you for your consideration herein.

Respectfully,

/s/

Rachel Seligman Weiss
Senior Counsel

cc: Via ECF
Gabriel P. Harvis, Esq.
Harvis, Wright, Saleem & Fett LLP
Attorneys for Plaintiff